



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Mayor Chuck Reed
Councilmember Johnny Khamis
Councilmember Don Rocha

SUBJECT: ITEM 11.2 – Various actions
regarding the real property located
on the west side of Almaden
Expressway at the southern
terminus of Brasilia Way

DATE: June 6, 2014

APPROVED:

DATE: 06/06/14

RECOMMENDATION

Approve staff recommendations outlined in a, b, and c as follows:

1. Adopt a resolution adopting the Mitigated Negative Declaration for the Brasilia Way Residential Development Project and a related Mitigation Monitoring and Reporting Program; and
2. Deny the Majority Protest to Rezoning; and
3. Approve the proposed rezoning described in staff recommendation (c) with the following modifications below:
 - a. Incorporate project design changes as detailed in the Supplemental Staff Report which will result in protection of 48 of the existing 55 native oak trees on the property. As described in the project documentation, property owner will also be adding 34 native oak trees to the site, for a net gain of 27 oak trees.
 - b. Modify structure at lot 1 from a 3-story structure to 2-story structure to provide more consistency with nearby existing home sites and provide a visual “step-up” to the other new homes to be constructed at the base of the hill.
 - c. Modify structure at lot 5 from a 3-story structure to a 2-story structure to provide more consistency with nearby existing home sites and provide a visual “step-up” to the other new homes to be constructed at the base of the hill.
4. Accept the property owner’s offer to partner with the District 10 Council office and community organizations to improve and maintain landscaping and provide long-desired “gateway” signage for the median barrier across from the proposed development.

BACKGROUND

The Brasilia Way property has been private property for over a century. As part of the approval process for the Envision 2040 General Plan, a very public process that allowed for extensive input from the community, the General Plan designation for the subject site that was adopted by the City Council in 2011 was Rural Residential. This designation allows for the potential development of up to two homes per acre on this 7.82 acre property. The subject property was, at one time, designated for much higher-density development (4 units per acre). At a density of 1.26 units per acre, the proposed development will have far less impact than this and is a lower-intensity development than the General Plan 2040 zoning would allow. It is surrounded on three sides by this type of higher-density development, with the fourth side fronting the Almaden Expressway.

The current proposal would develop only 2.33 acres of the approximately 7.95 acre site. The rest of the site, 5.61 acres, will, for the first time, be designated as permanent open space through the filing of an easement to perfect the protection of this open space from any future development. Over 70% of the land area will remain undeveloped in perpetuity under the proposed plan.

The property owner has been working on the planning and design of this project since 2007. They have worked closely with former Councilmember Nancy Pyle and with the current District 10 Councilmember to devise a project that addresses the valid concerns of the neighbors and the environmental community, and provides San Jose with much-needed, high-quality single-family homes to accommodate the City's growing population and the market demand for this type of housing stock.

Over the past three years, the property owner has also worked closely with the Department of Planning, Building and Code Enforcement to bring forward a project that would be appropriate to the site and conform to the General Plan 2040. They held two community meetings, instead of the required one, to gain a thorough understanding of the concerns of the existing home owners in the neighborhood surrounding the property. Throughout this process the developer has made a number of changes in order to improve the project and to address these concerns including:

- Reducing the number of proposed home from 12 to 10;
- Adjusting the locations of home sites to preserve native oak trees, minimize grading, and address privacy concerns;
- Responding to community and Planning Commissioner concerns by adjusting plans for the roadway, sidewalk, drainage, along with home designs, in order to preserve as many native oak trees as possible on the site, most recently reducing the number of trees to be removed from 12 to 7; and
- Lowering the profile of some of the homes fronting Almaden Expressway to provide for a "stepped" transition to existing homes.

In addition, during the public comment process, the District 10 office heard concerns expressed by nearby residents about existing traffic issues at Antigua Way and Coleman Ave and have prioritized improvements including:

- New signage and lane striping to highlight the sharp curve on Antigua (completed);

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- Radar speed sign at curve in Coleman as you are heading eastbound toward Antigua (requested);
- Additional left-turn lane for westbound Coleman as it intersects Almaden Expressway to reduce traffic crossing the expressway to make a U-turn in front of Antigua.

The developer has already committed to responding to community concerns, such as those expressed at the two community meetings, by addressing view-shed issues, environmental concerns, and the privacy of neighboring homes.

Overall, this is a high-quality project that will provide much-needed homes for our community to help meet the demands of a growing population while being sensitive to the concerns of neighboring property owners and our natural environment. We strongly recommend to our Council colleagues that the challenge to the plan be rejected and that the proposed development be approved.